

shall in no case be less than One Million (\$1,000,000.00) Dollars combined single limit for bodily injury and property damage.

7. An eight (8) foot chain link fence or a six (6) foot chain link fence with three (3) strands of barbed wire around the top shall be provided on all four sides of a Type I magazine, so as to fully encircle a Class I magazine installation. The fence shall have a gate equipped with case-hardened locks and clasps.
8. Any person storing any high explosive or low explosives in quantities of fifty pounds or more shall be required to obtain an annual inspection by the State Fire Marshall and shall file annually with the Zoning Administrator a copy of the permit issued by the State Fire Marshal as well as the permit issued by the Bureau of Alcohol, Tobacco, and Firearms.

5-1705

ADDITIONAL STANDARDS FOR AN ABATTOIR

1. Any structure or loading or unloading area associated with the use shall not be located within 50 feet of any property line which is in a Rural District, or within 100 feet of any property line which is in a Residential District.
2. All animals awaiting processing are to be housed within a fully enclosed structure.
3. All inedible offal, meat that is not food, condemned material and refuse of the meat processing shall be refrigerated and stored in the interior of a fully enclosed structure until time of pick up or final disposal.
4. All loading and unloading areas for animals shall be screened from adjoining properties.
5. Humane bedding shall be provided for animals housed over 24 hours.
6. Proper disposal of all bedding materials shall be required.
7. All animals that shall remain onsite for up to 12 hours are to be supplied food and water.
8. Proper ventilation of all holding areas shall be provided.

PART 18

5-1800

CATEGORY 18 AGRICULTURE

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1801

Standards for All Category 18 Uses in Rural Zoning Districts

As agriculture is the preferred use in these districts (see Section 3-503), consideration relating to compatibility with neighboring uses shall emphasize uses in the vicinity of a proposed Category 17 special permit use.

5-1802

Additional Standards for Dairy Farm, Cattle Feed Lots and Swine Farms

1. The minimum lot size requirement shall be twenty-five (25) acres.
2. Such use shall be conducted only in accordance with a permit issued by the State Water Control Board, unless the SWCB has denied jurisdiction of same, in writing.
3. Adequate protection of the bodies of water into which such a use drains shall be ensured using, as a guide, the Agricultural Best Management Practices Handbook issued by the State of Virginia, and reflecting the distance and topography between such a use and downstream water supply impoundments and withdrawal facilities.

5-1803

Additional Standards for Greenhouses (more than 10,000 square feet), Wholesale Only, in Rural Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.

5-1804

Additional Standards for Plant Nursery/Greenhouse, Retail Sales, in Rural Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. Off-street parking, loading and outdoor storage areas shall be effectively screened.
4. No sales of power tools, garden vehicles or machinery shall be conducted on the premises.

5-1805

Additional Standards for Distillation of Industrial Alcohol (Ethanol) in Conjunction with a Farming Operation

1. All such ethanol shall be used on the farm upon which it is produced.

2. The Air Pollution Control Board shall be given the opportunity to comment on applications for such uses.

5-1806

Additional Submission Requirements for Class B Biosolids Storage Facility

In addition to the submission requirements set forth in Section 011 above, all applications for special exceptions for biosolids storage facilities for Class B biosolids shall be accompanied by the following:

1. Copies of submission to the State Health Department or Department of Environmental Quality for the proposal.
2. Copies of Certificate of Insurance.
3. A statement authorizing Fauquier County to sample biosolids when desired.

5-1807

Additional Standards for Class B Biosolids Storage Facility

1. Applicable approvals substantiated by documents called for in paragraph 1806.1 above. No activities addressed for such State certificates and approvals except in full compliance therewith.
2. Unless specifically reduced by the Board, for good cause shown, no such facility shall be located closer than 300 feet to any lot line or closer than 1000 feet to any land not in an Agriculture, Conservation or I-2 zoning district.
3. Unless specifically reduced by the Board, for good cause shown, the highway entrance to such a facility shall be located not more than 1000 feet from a major collector, on a secondary road with pavement not less than 20 feet.
4. Proof that the insurance has been obtained covering the proposed activities sufficient to protect the public from damage and injury resulting from the hauling, storage or application of sludge. The sufficiency of such insurance shall have been previously approved by the Board.
5. Verification that the applicant has sufficient land in Fauquier County available upon which to apply to holding capacity of the storage facility within a period of ninety (90) days.

5-1808

Submission Requirements for Land Application of Class B Biosolids

All applications for administrative special permits for such uses shall be accompanied by the following: (amendments for additional lands shall not require 3 and 4 below).

1. Written application setting forth:
 - A. the name, telephone number, and address of the applicant;
 - B. A brief description of the applicant's business;
 - C. A description, by Parcel Identification Number, and by number of acres of the property on which the biosolids are applied;
 - D. the name and location and mailing address of the owner/lessee of such property;
 - E. general schedule of the rates of biosolids application which the applicant intends to apply;
 - F. the name, address and telephone number of the person including all subcontractors, who will or may spread or apply the biosolids to that particular property;
 - G. a plan or map, drawn to scale of 1:200 or 400, showing the land area to be covered by the application, and actual fields (labeled with # and acreage); to which biosolids will be applied, and an insert map showing the location of the land area in relation to the surrounding area;
 - H. the time period to be covered by the permit, not to exceed five (5) years.
2. A copy of the appropriate No Discharge Certificate or Biosolids Use Permit.
3. The applicant shall submit, at the time of each application, proof of liability insurance in the aggregate amount of \$1,000,000.00 covering all losses and claims arising out of hauling or land application of biosolids, and all other activities performed under the permit. Such insurance shall be maintained in force and effect through the term of the permit.
4. A map indicating the route(s) of the transporting vehicles to and from the application site which shall be approved by the Zoning Administrator as constituting the most safe route(s) taking into account the travelway, surface, geometric design and traffic volumes.
5. Copy of the property owners consent statement when the owner is not signatory to the request for land application of Class B Biosolids.
6. A statement signed by the property owner(s) authorizing representatives of Fauquier County access anywhere on the owner(s) land for the purpose of inspecting the land application process.

5-1809

Additional Standards for Land Application of Class B Biosolids

1. All land application shall be accomplished in accordance with the Special Conditions of the Department of Environmental Quality certificate or regulations of the Virginia Department of Health as submitted with application. All solids or other wastes shall be so deposited that no harmful components can reach state waters by natural or other means.
2. All vehicles on public roads used in the transportation of Class B Biosolids for land application in Fauquier County shall be in conformance with all Commonwealth of Virginia Department of Environmental Quality (DEQ) requirements and all other State and Federal requirements.
3. Notice shall be given in writing to the Zoning Administrator at least 48 hours prior to applying Class B Biosolids to a permitted area. A separate notice is required for each permit amendment. Copies of adjacent property owner(s) consent when the otherwise required buffer is not to be maintained shall be filed with the Zoning Administrator 24 hours before land application of biosolids occurs on any particular field within a permitted area. Any change in the spreading location from the above notice will be given by 9:00 A.M. on the day spreading is to occur.

5-1810

Additional Standards for Winery with Special Events, Major and Minor, in the RA, RC, and RR-2 Zoning Districts

1. Such a use shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
2. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity. At least thirty (30) days prior to holding the event, the holder of the Special Permit or Special Exception for the property upon which the event will be held shall provide to the Zoning Administrator the name, address, and a contact person for each individual, group, association, partnership, or corporation which is expected to conduct retail sales at the event.
3. Major events are those with more than 150 attendees, but not more than 2,500 attendees per event, and are limited to two (2) within a calendar year. Minimum lot size for major events is forty (40) acres.
4. Minor events are those that allow less than 150 attendees per event, and are limited to fifteen (15) within a calendar year. Minimum lot size for minor events is twenty-five (25) acres.

5. No structure used for or in conjunction with this use shall be located within fifty (50) feet of any lot line.
6. The Special Permit or Special Exception holder for a minor or major event shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event. At least thirty (30) days prior to holding the event, the holder of the Special Permit or Special Exception permit for the property on which the event will be held, shall provide to the Zoning Administrator written proof, including copies of any permits or licenses, if required, from the following agencies that control traffic, security, emergency services, and on-site sanitary and refreshment facilities are adequate for the size and type of event:
 - a. Fauquier County Sheriff's Office
 - b. Virginia Department of Transportation
 - c. Fauquier County Emergency Services Coordinator
 - d. Fauquier County Health Department
7. The Special Permit or Special Exception permit shall be granted for a period of three (3) years and after such time, the holder may apply to have the permit renewed for additional five (5) year periods. The procedure for renewal shall be the same as specified in Section 5-009 above. After an initial five (5) year renewal, an applicant may request, and the BZA or Board of Supervisors may grant, a renewal for a period of greater than five (5) years, including an indefinite period. If such a renewal is granted, the holder of the Special Permit or Special Exception permit shall submit to the BZA or Board of Supervisors once every five (5) years thereafter, a report documenting that the use of the property as approved by the Special Permit or Special Exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use with all of the requirements and standards of this Ordinance, and with all conditions of the Special Permit or Special Exception that were designated in issuing the same. If at any time the BZA or Board of Supervisors determines that the use of the property is not in compliance, it may initiate action to revoke the Special Permit or Special Exception in accordance with Section 5-015 above.

5-1811

Additional Standards for Aviary, Commercial, in the RC, RA, and RR-2 Zoning Districts

1. The minimum lot size requirement shall be five (5) acres.
2. No building, structure, outdoor storage, parking or loading area used for or in conjunction with such use shall be located within fifty (50) feet of any lot line.
3. All birds shall be penned or confined to the site.

5-1812

Additional Standards for a Farmer's Market

1. The minimum lot size shall be five (5) acres.
2. Such a use shall have frontage on a major collector (or higher) as designated in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that frontage on a public road with a lesser designation will cause an undue impact on the neighbors and adversely affect safety or road usage.
3. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to 12 square feet in size and 6 feet in height to advertise products available.
4. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture care, use of, or processing of the principal use. Products such as lawn mowers and tractors shall not be allowed.
5. Highway entrance shall be approved by the Virginia Department of Transportation.
6. Sanitary facilities shall be approved by the Fauquier County Health Department.
7. A farmer's market shall be conducted on the same lot as contains the bona fide, primary residence of the property owner or lessee, or on an adjacent property under the same ownership or lease as the parcel containing the primary residence of the proprietor.
8. One structure shall be allowed, size not to exceed 2,500 square feet in size, and shall meet all location requirements for the RA zoning district.
9. At least 80% of all agriculture products, horticultural products, and hand made crafts shall be grown or produced on site or within Fauquier County.

5-1813

Additional Standards for a Community Farmers' Market

1. The minimum lot size requirement shall be one hundred (100) acres. The requirements of this section shall not preclude the property owner from conducting compatible, Permitted Uses on the same parcel.

2. The road frontage requirement shall be a minimum of 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. All open off-street parking and loading areas shall be no closer than 25 feet from any lot line.
4. In addition to the allowed farm sign, one temporary, portable sign may be erected of up to 12 square feet in size and six (6) feet in height to advertise hours of operation and products available.
5. The permitted activity is the use of any tract of land in a rural agriculture zoning district for the retail sales and preparation of agricultural products, horticultural products, aquacultural products, and hand made crafts. Any other retail sales conducted on the property shall be accessory and incidental to the permitted activity. Permitted accessory products shall be accessory and incidental to the permitted activity. Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other similar type items directly related to the culture, care, use of, or processing of the principal use. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed. Outdoor recreational activities such as corn mazes, hayrides, pumpkin patches or other similar activities which are dependent on the products being produced on site may be held in conjunction with a community farmer's market if approved as part of a special permit application.
6. Highway entrance shall be approved by the Virginia Department of Transportation.
7. Sanitary facilities shall be approved by the Fauquier County Health Department.
8. No structure used for or in conjunction with the use shall be located within 500 feet of any adjoining property located in a Residential or Rural Zoning District.
9. No more than one new structure shall be allowed to be constructed, not to exceed 2,500 square feet in size and shall meet all location requirements for the RA zoning district. However, structures previously existing on the parcel may be converted to a farmers' market use, regardless of size or number, if the Board determines the location, accessibility, and visibility of these structures is appropriate to this use.
10. All agriculture products, horticultural products, and hand made crafts shall be grown or produced within the Commonwealth of Virginia.

Additional Standards for Petting Zoos in the R-A District

1. Petting zoos shall only be allowed as an accessory use to an agricultural use. This condition may be waived by the Board of Zoning Appeals when it finds that the proposal is consistent with surrounding agricultural uses and fosters education about the use of agricultural animals.
2. Not more than one animal unit per two acres shall be allowed on the property.
3. The minimum lot size shall be 20 acres.
4. All structures, including holding and display areas, shall be located a minimum of 100 feet from any property line.
5. Parking areas shall be located 50 feet from adjoining Rural or Residential Districts and shall be screened from adjoining properties.
6. Petting zoos shall not be open to the public before 9:00 a.m. or after thirty minutes before sunset.
7. Any retail sales shall be accessory and incidental to the permitted activity. Retail structures shall not exceed a total of 600 square feet in area.
8. All such uses shall be subject to and operated in compliance with all other applicable Federal and State regulations.
9. Petting zoos shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
10. The property is limited to one dwelling unit for the owner or caretaker which shall only be allowed if a residence could otherwise lawfully be constructed on the property.
11. The property shall be managed according to a controlled grazing plan adequate to maintain grasses and legumes for grazing and to minimize erosion. Such plan must accompany any application for a Special Use Permit. Thereafter, the current plan shall be made available to the Zoning Administrator upon request.
12. Outdoor amplified music and sound is prohibited.
13. Special Events are subject to Fauquier County Zoning Ordinance Section 3-309(16).

14. A hand sanitation facility shall be located near any place where food is dispensed and at each exit.

PART 19

5-1900

CATEGORY 19 EXTRACTION

5-1901

Additional Submission Requirements

In addition to the submission requirements set forth in Section 001 above, all applications for Category 19 special exception uses shall be accompanied by the following items:

1. A drawing at a scale of one inch equals 660 feet, submitted in six copies on sheets not larger than 30 inches by 42 inches, showing the following items for the tract upon which the development is proposed and all the land within 2000 feet of such tract:
 - A. Property lines (from tax records).
 - B. Names of current owners (from tax records).
 - C. Current uses (delineating uses within parcels upon which different uses are conducted, e.g., pasture, woodland, cropland, residential, etc.).
2. A schematic plan of the proposed use and a narrative explanation of the applicant's development proposal indicating:
 - A. The uses, facilities, and equipment to be located on the tract in connection with the proposed use.
 - B. Proposed roads (including surfacing) and entrances to state roads.
 - C. The general location of the items listed in A and B above.
 - D. Reclamation plan.
3. Documented proof that all performance standards can be met.

5-1902

Standards for All Category 19 Uses

In addition to the general standards set forth in Section 006 above, the applicable standards used shall also be subject to the following performance standards:

1. No blasting shall be permitted except in conjunction with a permit for stone quarrying.
2. Blasting vibration shall be limited to a maximum resultant peak particle velocity of 1.5 inches per second in the earth as measured at

any occupied structure not on quarry property. In addition, the Board may further limit such blasting vibration where in its opinion, the density of population in the area warrants additional protections.

3. Earth vibration produced from sources other than blasting shall not exceed 0.05 inches per second at any occupied structure not on the subject property.
4. The peak overpressure (noise) from any blast shall be limited to 0.0092 pounds per square inch (130) decibels at any occupied structure not on the subject property.
5. Airborne noise produced from sources other than blasting shall not exceed, at any structure not on the subject property 10dB(A) above the ambient in residential districts and/or 16dB(A) in commercial districts.
6. Significant groundwater pollution or contamination or the potential therefore shall not be allowed. Groundwater withdrawal or other activity shall not cause a significant depletion of groundwater in the area.

5-1903

Standards for Category 19 Uses in Rural Zoning Districts

In addition to the general standards set forth in Section 006 above and in this Part, all Category 19 special exception uses located in Rural Zoning Districts shall satisfy the following standards:

1. The minimum lot size requirement shall be 10 acres.
- 2a. No exception issued for such a use shall exceed five (5) years. Such exceptions may be extended in accordance with the provisions of Section 012 above for successive periods of not more than three (3) years each.
- 2b. Notwithstanding anything contained in the preceding section, after the initial five year period, an applicant may request and the Board of Supervisors may grant, an extension for a period of greater than three years, including an indefinite period. If such an extension is granted, the holder of the special exception shall submit to the Board once every three years thereafter, a report documenting that the use of the property as approved by the special exception is in full compliance with all requirements of law with respect to the maintenance and conduct of the use, with all of the requirements and standards of this Ordinance and with all conditions of the special exception that were designated in issuing the same. If at any time the Board determines that the use of the property is not in compliance, it may initiate action to revoke the special exception in accordance with Section 5-015 above.

3. Sales and distribution shall be predominantly of materials extracted on-site.
4. No activity, use, facilities, equipment, structure or storage, with the exception of offices, shall be located within 300 feet of any lot line.
5. Offices, including only those buildings devoted solely to office/administrative uses, shall be located not less than 100 feet from any lot line.
6. All operations shall be limited to the period between 8:00 A.M. and 8:00 P.M. or such period as established by the Board.
7. Such use shall have direct access to a state maintained road adequate to the size and type of use.
8. The Board may require such screening, planting, fencing, preservation of trees, construction of berms, entrances or other requirement which will ensure the minimal impact of the use or the surrounding uses including the use of public roads in the vicinity.

PART 20

5-2000

CATEGORY 20 PUBLIC UTILITIES

5-2001

Additional Submission Requirements

In addition to the submission requirements set forth in Section 011 above, all applications for Category 20 uses shall be accomplished by the following:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

5-2002

Standards for All Category 20 Uses

In addition to the general standards set forth in Section 006 above, all Category 20 special permit and special exception uses shall satisfy the following standards:

1. Category 20 special permit and special exception uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located in Part 4 of Article 3. However, such requirements may be established in the conditions under which such a special permit or special exception is granted.

2. No land or building in any district other than the Industrial Districts shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.
3. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.
4. If the proposed location of a Category 20 use is in a Residential District there shall be a finding that there is no more suitable site available for such use in a Commercial or Industrial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.
5. A special exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging sewage treatment system is the only alternative for the repair. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.
6. Notwithstanding 5-2002.5, above, a private individual sewage treatment system which discharges into an open ditch or water may be approved in the RA/Rural Agriculture zoning district for a farm supply establishment where the standards listed below are met:
 - a. The system is operated under the control of a Class III, or higher, wastewater operator which holds a current permit licensed in the State of Virginia.
 - b. The system processes less than 1,000 gallons per day.
 - c. The Board finds such system to be the only viable option for the particular site.
 - d. In approving such a system, the Board may establish conditions including but not limited to use, maintenance, testing and reporting.

- e. The system has a permanent maintenance and monitoring agreement from a state licensed laboratory, company, or business to do maintenance and monitoring in the state and county.

PART 21

5-2100

CATEGORY 21 TRANSPORTATION

5-2100

Additional Submission Requirements

In addition to the submission requirements set forth in Section 001 above, all applications for Category 21 uses shall be accompanied by the following items:

1. All such applications for uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act, adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.
2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, state or local statutes, ordinances, rules or regulations applicable thereto.
3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be impacted by the anticipated noise.
4. In the case of airports, drawings shall be presented showing imaginary surfaces for the facility prepared in accordance with Federal Aviation Administration regulations. A noise contour map may be required by the Board.

5-2101

Standards for All Category 21 Uses

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

1. All maintenance, repair and mechanical work shall be performed in enclosed buildings, except in the I-2 District.
2. All areas for outdoor storage and all equipment, machinery and facilities not included within an enclosed building shall be effectively screened.
3. All facilities shall be located and designed so that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

4. Structures to be used by aircraft shall be located a minimum distance of 200 feet from any adjoining rural, residential or commercial zoning district, or 75 feet from any adjoining industrial district.

PART 22

5-2200

CATEGORY 22 INTERMENT USES

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-2201

Standards for All Category 22 Uses

(Note: Interment uses include facilities for humans and animals.)

1. All uses shall comply with applicable provisions of the Code of Virginia (see especially Chapter 3 of Title 57).
2. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, but in no instance shall an interment be made in any facility for the disposal of the dead within fifty (50) feet of a street line or twenty-five (25) feet of a side or rear property line.
3. All uses shall comply with the performance standards specified for the zoning district in which located.

PART 23

5-2300

CATEGORY 23 FLOODPLAIN USES

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-2301

Standards for All Category 23 Uses

1. No such use shall cause an increase in the level of flooding or velocity of flood waters.
2. No such use shall create a potential hazard of debris subject to movement by flood waters which might cause damage downstream.
3. The John Marshall Soil and Water Conservation District shall be given the opportunity to comment on such uses.
4. The applicant shall have obtained and shall present evidence attesting any applicable approvals by State and Federal authorities concerning such a use.
5. Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

6. Special exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in (a) unacceptable or prohibited increase in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local law or ordinances.
7. Special exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be necessary to provide the applicant with reasonable use of the parcel of land in question, taken as a whole.
8. The Zoning Administrator shall notify the applicant for a special exception in writing, at the time of filing, that the issuance of a special exception to construct a structure below the one hundred (100) year flood elevation (a) will increase risks to life and property, and (b) will result in increased premium rates for flood insurance.
9. A record of the above notification as well as all special exception actions, including justification for their issuance, shall be maintained and any special exceptions which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

PART 24

5-2400

STANDARDS FOR APPROVING AN INCREASE IN BUILDING HEIGHTS

5-2401

The BZA may approve a special permit for an increase in height above the maximum building height regulations specified in Part 4 of Article 3, if it determines that such an increase would not violate the general standards set forth in Section 006 above. Further, the minimum yard requirements applicable to the structure shall be increased by two (2) feet for every one (1) foot of increase in height in excess of the maximum building height set forth for the zoning district.

PART 25

5-2500

STANDARDS FOR APPROVING A WAIVER OF LOT SIZE, WIDTH OR FRONTAGE REQUIREMENTS

This part provides the flexibility to enable shopping center and industrial park developments with individually owned lots. The Board may approve a special exception for the waiver (in whole or in part) of minimum lot size, minimum lot width and/or minimum street frontage requirements set forth in Part 4 of Article 2 and Part 4 of Article 3, in the Commercial and Industrial Zoning Districts if it determines that a reduction in or waiver of such requirement(s) would not violate the general standards set forth in Section 006 above or the following additional standards.

1. The applicant shall demonstrate that all remaining regulations will be satisfied.

2. The proposed development shall create lots for use by not less than three separate businesses not in common ownership.
3. Not more than two entrances to public streets may serve such a development. These entrances shall serve as common access to all the lots in the development.
4. The deeds to the lots to be created by the proposed development shall contain provisions to ensure appropriate access to all such lots and maintenance of all elements to be held and/or used in common.

PART 26

5-2600

STANDARDS FOR APPROVING A DECREASE IN THE OPEN SPACE REQUIREMENT

For lots of 30 acres or greater in the RA and RC zoning district, the Board may approve a reduction in the 85 percent open space requirement if the Board finds that a lesser amount would accomplish the purposes of 2-406.5.

5-2601

Standards for Reduction of Non Common Open Space Required by Paragraph 2-406

The percentage of the gross site area required as non-common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to protect the scenic, natural or historic resources contained on the site, in which case the open space may be reduced to that amount necessary. (See paragraph 2-406.)
2. The predominance of the character of the area, particularly adjacent parcels is large lot (10 to 25 acres per lot) and the site resources determined in 1 above would require less than 25 acres of open space, in which case open space may be reduced to zero. If more than 25 acres of open space is required in 1 above then that amount shall be required unless it is determined that the location of the resultant lot layout is in conflict with adjacent uses because of lot size or use incompatibility.

PART 27

5-2701

Standards for Reduction of Common Open Space as Permitted by Paragraph 2-406

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to establish neighborhood open space for useable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent opens space, parks, schools or similar land uses.

2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.

PART 28

5-2800

**STANDARDS FOR WAIVING
REQUIREMENT FOR TYPE I PRIVATE
STREETS**

5-2800

**Standards for Waiving Requirement for Type I Private Streets In
the RA and RC Zones**

In the RA and RC zones, the Board may grant a special exception to permit the construction of Type II or Type III private streets within a subdivision where the following standards are met:

1. Construction of a Type I street would be inconsistent with the pattern of development in the area, or would result in the degradation of environmental, historic or cultural resources.
2. The proposed street (whether Type II or Type III) would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and adequate provisions will be made to provide for the continuing maintenance and repair of the streets.

PART 29

5-2900

**STANDARDS FOR WAIVING
REQUIREMENT FOR PUBLIC STREETS**

5-2900

**Standards for Waiving Requirement for Public Streets in
Residential, RA and RC Zones**

In residential, RA and RC zones, the Board may grant a special exception to permit the construction of private streets within a subdivision where the following standards are met:

1. The requirements of the Virginia Department of Transportation necessary for the dedication of public streets will not permit the development of the proposed subdivision in a manner which is in harmony with the surrounding character of the neighborhood or the proposed development scheme.
2. The proposed private streets, based upon anticipated traffic generation volume, would adequately serve the lots to be developed and provide sufficient emergency vehicle access to the subdivision, and demonstration that adequate provisions will be made to provide for continuing maintenance and repair of the streets by a

homeowners association. For any subdivision with 80 lots or more, a traffic impact analysis must be provided to establish the justification for the request.

PART 30

5-3000

**STANDARDS FOR WAIVING
REQUIREMENT FOR PUBLIC SEWER**

5-3000

Standards for Waiving Requirement for Public Sewer

In residential, RA and RC zones, the Board may grant a special exception to waive the requirement for public sewer where the following standards are met:

1. The development is located within an area in which the Fauquier County Water and Sanitation Authority formally refuses in writing to extend sewer service or the applicant demonstrates to the Board that the provision of public sewer is not technically or financially feasible in the area to be served, and
2. Where the proposed subdivision lots are to be on individual septic fields, the applicant includes with the special exception application a soils report demonstrating that the development will not degrade ground water resources or impair any watershed, and that the proposed subdivision will meet all requirements of the Health Department and the Subdivision Ordinance for development on individual septic fields. The applicant shall provide sufficient data to demonstrate that the development will not jeopardize the safety of present or future water supplies and information regarding the topography, soil type and condition, surface and subsurface drainage condition, water table, history of failures of septic systems in adjacent areas, and the extent of septic system development in the area, *or*
3. Where the proposed subdivision lots are to be served by a private central sewer system, the applicant has demonstrated that:
 - a. The site characteristics are such that all necessary health department and other governmental approvals can be obtained.
 - b. The development will not degrade ground water resources or impair any watershed.
 - c. The applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, and that the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.

- d. A special exception is obtained for the private treatment facility in accordance with Section 5-2000.

PART 31

5-3100

STANDARDS FOR WAIVING REQUIREMENT FOR PUBLIC WATER SYSTEM AND CENTRAL WATER SYSTEM

5-3100

Standards for Waiving Requirement for Public Water System and Central Water System.

The requirements of Section 7-501 and 7-502 for a public water system and central water system may be waived to permit construction on a private central water system or individual wells on individual lots where:

1. The Fauquier County Water and Sanitation Authority refuses in writing to operate the proposed system or the applicant demonstrates to the Board that the provision of a public or central water system is technically or economically infeasible.
2. The applicant demonstrates that the proposed central water system or individual wells on individual lots will not damage the wells of adjoining parcels or interfere with future development of adjoining parcels. This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.
3. Where a private central water system is proposed, the applicant has sufficient financial resources and a business plan to insure the successful operation of the system for a period of at least ten years, adequate provisions will be made to provide for the continued successful operation of the system, and the system will be deeded to a homeowners association with all necessary authority and easements to operate the system in perpetuity.